

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RUDY HOLGUIN,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
EDUCATION,
Defendant.

Case No. 23-cv-00025-VKD

**ORDER TO SHOW CAUSE RE
DISMISSAL**

Re: Dkt. No. 26

On August 2, 2023, the mediator in this case filed a certification indicating that the parties had reached a settlement agreement. Dkt. No. 26. However, the parties have not filed a notice of settlement.

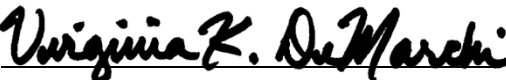
On or before **September 5, 2023**, the parties shall file notice or stipulation of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). Rule 41(a)(1)(A) permits the plaintiff to voluntarily dismiss a case without a court order (i) by notice if the defendants have not filed an answer or motion for summary judgment, or (ii) by stipulation signed by all parties who have appeared. Because the defendant has filed an answer (Dkt. No. 18), the parties must file a stipulated dismissal pursuant to Rule 41(a)(1)(A)(ii).

If a dismissal is not filed by the specified date, then the parties shall appear in Courtroom 2, 5th Floor, 280 South First Street, San Jose, California 95113 on **September 12, 2023 at 10:00 a.m.** and show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a). Additionally, the parties shall file a statement in response to this Order to Show Cause no later than **September 5, 2023** advising as to (1) the status of the activities of the parties in finalizing settlement; and (2) how much additional time, if any, is requested to finalize the

1 settlement and file the dismissals. If a dismissal is filed as ordered, the Order to Show Cause
2 hearing will be automatically vacated and the parties need not file a statement in response to this
3 order.

4 **IT IS SO ORDERED.**

5 Dated: August 4, 2023

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8 VIRGINIA K. DEMARCHI
9 United States Magistrate Judge
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United States District Court
Northern District of California